

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PHILIP Belpasso, YAN YAN WU,
EVAN AHARONOV and BARRY
AHARONOV,

Plaintiffs,

v.

FIRE MARSHAL JAY BENDER and
BOROUGH OF FAIR LAWN,

Defendants.

Civ. Action No. 08-3362 (KSH)

OPINION & ORDER

Katharine S. Hayden, U.S.D.J.

This matter is opened to the Court upon motion of *pro se* plaintiff Philip Belpasso, putatively acting on behalf of *pro se* co-plaintiff Yan Yan Wu,¹ whom Belpasso submits is “being held against her will at Bergen Regional Medical Hospital and who is not committed there by any doctor or serving any kind of sentence imposed.” (D.E. 16 (notice of motion).) Through this application, Belpasso is requesting an injunction ordering that Wu be released from the Bergen Regional Medical Hospital. However, according to the pleadings and docket, neither Bergen Regional Medical Center nor or any other hospital facility is a named defendant in this action or has been served with process. Accordingly, relief cannot be granted because the only named and served defendants in this action are the Borough of Fair Lawn and Fire Marshal Jay Bender.

In addition, Belpasso cannot represent Wu in filing this motion because both are *pro se* co-plaintiffs, and it is well-settled that “[a] *pro se* party cannot appear as a ‘*pro se* attorney’ for

¹ Yan Yan Wu is plaintiff’s name as it appears on the Complaint (D.E. 1), although in the submissions on the present motion (D.E. 16), her name appears as Yan Yun Wu. For purposes of this opinion and order, Ms. Wu will be referred to as Yan Yan Wu, which is to be understood as also referring to Yan Yun Wu.

another *pro se* party.” *Guest v. Alzheimer’s Res. Ctr.*, 2009 U.S. Dist. LEXIS 42324, *6 (D. Conn. May 19, 2009); *Jacobs v. United States Treasury IRS*, 2008 U.S. Dist. LEXIS 107293, *14 (D.S.C. Oct. 2, 2008) (“One *pro se* litigant cannot ‘represent’ another *pro se* litigant.”); *Hoodenpyle v. Bank of N.Y. Trust, N.A.*, 2008 U.S. Dist. LEXIS 109433, *2 (D. Colo. July 2, 2008) (“A *pro se* litigant may not represent another *pro se* litigant in federal court.”); *Pikulin v. United States*, 2008 U.S. Dist. LEXIS 6341, *2 n.2 (E.D.N.Y. Jan. 29, 2008) (“The Court reminds plaintiffs that a non-attorney appearing *pro se se* may not represent another *pro se* litigant.”). The motion before the Court was plainly made by Belpasso, and not Wu, and for that reason as well it must be denied.

Good cause appearing,

IT IS on this 28th day of August, 2009,

ORDERED that Belpasso’s motion for an order releasing Yan Yun Wu (D.E. 16) is DENIED.

/s/ Katharine S. Hayden
Hon. Katharine S. Hayden
United States District Judge